

NANP Working Group Evaluation Team Report to the North American Numbering Council (NANC) on a North American Numbering Plan (NANP) Administrator and Billing and Collection Agent (BCA)

A Respondent's compliance with these Neutrality Criteria must be demonstrated to be underway, as evidenced by the respondent's submittal with its response to this requirements document (i) a written agreement of principles, and (ii) a majority of closing documents, both of which pertain to a transaction or other action that will bring a Respondent into compliance with the Neutrality Criteria. Any respondent seeking to demonstrate that compliance is underway under the terms of this subsection shall be required to submit a written plan, as part of its response to this Requirements Document, detailing how it will comply with these Neutrality Criteria by 120 days after the NANC recommendation to the FCC.

Any subcontractor(s) that perform (1) NANP administration and central office code administration, and/or (2) Billing and Collection functions, must also meet the neutrality requirements described above.

Disclosure of any affiliations or associations with any telecommunications service provider(s) must be presented at the time the proposal is submitted. Failure to do so may result in the rejection of any proposal.

Appendix C

Summary of Evaluation Matrix Results

The Evaluation Table included in Appendix B was used by the Evaluation Team in several steps of the evaluation process as a tool to assist in comparing and assessing the attributes of all respondents' proposals relative to compliance with the Requirements Document. Tabulated below is the average of the total scores for each respondents' proposal based on the final set of scores submitted by each Evaluation Team member.

For each evaluation criteria per section the score values ranged from 5.0 to 1.0 (high to low). It should be noted that Section 1.2- Neutrality, of the Requirements Document, was not included in any scoring. The average of the total scores for each respondents' proposal for function, price, and total are presented in the table below. As stated in the Requirements Document, both function and price were weighted 50% of the total score.

As described in the Evaluation Process (Appendix B), this quantitative analysis was intended as an objective aid in the evaluation process and was not intended to be the only assessment tool used in the formulation of recommendations and rationales for the new NANP/CO Code Administrator and Billing and Collection Agent.

NANP/ CO	Function	Price	Total
Lockheed	3.810	3.621	3.716
Bellcore	3.748	3.320	3.534
CCMI	2.009	2.522	2.265
Mitretek	4.189	3.041	3.615
B&C	Function	Price	Total
Lockheed	4.061	3.382	3.721
CCMI	2.426	2.885	2.656
NECA	3.782	3.529	3.655

Table 1 - Average Total Scores

NANP Working Group Evaluation Team Report to the North American Numbering Council (NANC) on a North American Numbering Plan (NANP) Administrator and Billing and Collection Agent (BCA)

Appendix D

PRICE SUMMARY

LOCKHEED

(\$000)

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
NANPA	1,680	1,750	1,820	1,900	1,980	9,130
COCode/NPA	1,620	2,530	3,030	3,160	3,290	13,630
B & C	405	422	440	458	477	2,202
TOTAL	3,705	4,702	5,290	5,518	5,747	24,962

MITRETEK

(\$000)

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
NANPA	2,778	2,128	2,115	2,202	2,290	11,514
COCode/NPA	4,940	6,952	7,012	7,311	7,570	33,785
B & C	---	---	---	---	---	---
TOTAL	7,718	9,080	9,127	9,513	9,860	45,299

NECA

(\$000)

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
NANPA	---	---	---	---	---	---
COCode/NPA	---	---	---	---	---	---
B & C	268	257	289	277	312	1,403
TOTAL	268	257	289	277	312	1,403

Attachment (2)

NANPA RULES

Proposed Commission Rules

for the

North American Numbering Plan Administrator and

Billing and Collection Agent

1. Add the following sentence to the end of section 52.7(b):

Area Code Relief includes jeopardy planning where central office codes may become exhausted before an area code relief plan can be implemented.

2. Add a new section 52.7(f):

52.7(f). The term "*Billing & Collection Agent*" ("*B&C Agent*") refers to the entity responsible for the collection of funds from the United States Telecommunications industry and NANP member countries.

3. Add a new section 52.12 as follows:

52.12. North American Numbering Plan Administrator and B&C Agent. The North American Numbering Plan Administrator ("NANPA") and the associated Billing and Collection Agent ("B&C Agent") will conduct their respective operations in accordance with these rules. The NANPA and the B&C Agent will conduct their respective operations with oversight from the Federal Communications Commission (the "Commission") with recommendations from the North American Numbering Council ("NANC").

52.12(a). Neutrality. The NANPA and the B&C Agent shall be non-governmental entities that are impartial and not aligned with any particular telecommunication industry segment.

Accordingly, while conducting their respective operations under these rules, the NANPA and B&C Agent shall ensure that they comply with the following neutrality criteria:

- 1) the NANPA and B&C Agent may not be an affiliate of any telecommunications service provider(s) as defined in the Telecommunications Act of 1996. "Affiliate" is a person who controls, is controlled by, or is under the direct or indirect common control with another person. A person shall be deemed to control another if such person possesses, directly or indirectly, (i) an equity interest by stock, partnership (general or limited) interest, joint venture participation, or member interest in the other person ten (10%) percent or more of the total outstanding equity interests in the other person, or (ii) the power to vote ten (10%) percent or more of the securities (by stock, partnership (general or limited) interest, joint venture participation, or member interest) having ordinary voting power for the election of directors, general partner, or management of such other person, or (iii) the power to direct or cause the direction of the management and policies of such other person, whether through the ownership of or right to vote voting rights attributable to the stock, partnership (general or limited) interest, joint venture participation, or member interest) of such other person, by contract (including but not limited to stockholder agreement, partnership (general or limited) agreement, joint venture agreement, or operating agreement), or otherwise;
- 2) the NANPA and B&C Agent, and any affiliate thereof, may not issue a majority of its debt to, nor may it derive a majority of its revenues from any telecommunications service provider. "Majority" shall mean greater than 50 percent, and "debt" shall mean stocks, bonds, securities, notes, loans or any other instrument of indebtedness; and
- 3) notwithstanding the neutrality criteria set forth in 1) and 2) above, the NANPA and B&C Agent may be determined to be or not to be subject to undue influence by parties with a

vested interest in the outcome of numbering administration and activities. NANC may conduct an evaluation to determine whether the NANPA and B&C Agent meet the undue influence criterion.

Any subcontractor(s) that perform (1) NANP administration and central office code administration, and/or (2) Billing and Collection functions, for the NANPA or for the B&C Agent must also meet the neutrality criteria described above.

52.12(b). Term of Administration. The NANPA shall provide numbering administration, including central office code administration, for the United States portion of the North American Numbering Plan ("NANP") for an initial period of five (5) years. At any time prior to the termination of the initial or subsequent term of administration, such term may be renewed for up to five (5) years with the approval of the Commission and the agreement of the NANPA.

The B&C Agent shall provide billing and collection functions for an initial period of five (5) years. At any time prior to the termination of the initial or subsequent term of administration, such term may be renewed for up to five (5) years with the approval of the Commission and the agreement of the B&C Agent.

52.12(c). Changes to Regulations, Rules, Guidelines or Directives. In the event that regulatory authorities or industry groups (including the Industry Numbering Committee - INC) issue rules, requirements, guidelines or policy directives which may affect the functions performed by the NANPA and the B&C Agent, the NANPA and the B&C Agent shall, within 10 business days from the date of official notice of such rules, requirements, guidelines or policy directives, assess the impact on its operations and advise the Commission of any changes required. NANPA and the B&C Agent shall provide written explanation why such changes are required. To the extent the Commission deems such changes are necessary, the Commission will recommend to the NANP member countries appropriate cost recovery adjustments, if necessary.

52.12(d). Performance Review Process. The NANC shall monitor the performance of the NANPA and the B&C Agent. On at least an annual basis, the NANC shall assess formally the performance of the NANPA and the B&C Agent, and, at the direction of the Commission, shall implement any remedial action necessary to correct identified problems, as deemed necessary.

NANPA and the B&C Agent shall develop and implement an internal, documented performance monitoring mechanism and shall provide such performance review on request of the Commission on at least an annual basis.

The annual assessment process will not preclude telecommunications industry participants from identifying performance problems to the NANPA, the B&C Agent and the NANC as they occur, and from seeking expeditious resolution. If performance problems are identified by a telecommunications industry participant, the NANC, B&C Agent or NANPA shall investigate and report within 10 business days of notice to the participant of corrective action, if any, taken or to be taken. The NANPA, B&C Agent or NANC (as appropriate) shall be permitted reasonable time to take corrective action, including the necessity of obtaining the required consent of the Commission.

52.12(e). Termination. If the Commission determines at any time that the NANPA or the B&C Agent fails to comply with the neutrality criteria set forth in section 52.12(a) above or substantially or materially defaults in the performance of its obligations, the Commission shall advise immediately the NANPA or the B&C Agent of said failure or default, request immediate corrective action, and permit the NANPA or B&C Agent reasonable time to correct such failure or default. If the NANPA

or B&C Agent is unwilling or unable to take corrective action, the Commission may, in a manner consistent with the requirements of the Administrative Procedure Act, take any action that it deems appropriate, including termination.

52.12(f). Dispute Resolution. The NANC shall adopt and utilize dispute resolution procedures. Such procedures shall provide disputants, regulators and the public notice of the matters at issue, a reasonable opportunity to make oral and written presentations, a reasoned recommended resolution, and a written report summarizing the recommendation and the reasons therefore.

52.12(g). Required and Optional Enterprise Services. Enterprise Services may be offered with prior approval of the Commission.

52.12(g)(1). Required Enterprise Services. At the request of a code holder, the NANPA shall, in accordance with industry standards and at the fees specified by the Commission enter certain routing and rating information, into the industry-approved database(s) for dissemination of such information. This task shall include reviewing the information and assisting in its preparation.

52.12(g)(2). Optional Enterprise Services. The NANPA may, subject to prior approval and at the fees specified by the Commission, offer "Optional Enterprise Services" which are any services not described elsewhere in these Rules.

52.12(g)(3). Annual Report. NANPA shall identify and record all direct costs associated with providing enterprise services separately from the costs associated with the non-enterprise NANPA functions. The NANPA shall submit an annual report to the NANC summarizing the revenues and costs for providing each enterprise service. NANPA shall be audited by an independent auditor after the first year of operations and every two years thereafter, and submit the report to the Commission for appropriate review and action.

4. Substitute the following for section 52.13(b).

52.13(b). The NANPA shall perform all of the functions and services identified in the NANC Requirements Document, Public Notice, CC 97-8 (February 20, 1997), as amended, and Commission Orders and Rules related to NANP Administration, as amended. The NANPA shall:

1. ensure that the interests of all NANP member countries are considered.;
2. assess fairly requests for assignments of NANP numbering resources and ensure the assignment of numbering resources to appropriate service providers;
3. develop, operate and maintain the computer hardware, software (database) and mechanized systems required to perform the NANPA and CO Code Administration functions;
4. manage projects such as NPA relief (area code relief) planning and the Central Office Code Utilization Survey (COCUS);
5. facilitate NPA relief planning meetings;
6. participate in appropriate industry activities;
7. manage proprietary data and competitively sensitive information and maintain the confidentiality thereof;

8. act as an information resource for the industry concerning all aspects of numbering (i.e., knowledge and experience in numbering resource issues, International Telecommunication Union (ITU) Recommendation E.164, the North American Numbering Plan (NANP), NANP Administration, INC, NANP area country regulatory issues affecting numbering, number resource assignment guidelines, central office code administration, relief planning, international numbering issues, etc.); and
9. ensure that any action taken with respect to number administration is consistent with this part.

5. Add a new section 52.13(c), as follows:

52.13(c). The NANPA shall administer numbering resources in an efficient and non-discriminatory manner, in accordance with the appropriate industry numbering resource guidelines, including, but not limited to:

- a) Numbering Plan Area (NPA) codes
- b) Central Office codes for the 809 area
- c) International Inbound NPA 456 NXX codes
- d) (NPA) 500 NXX codes
- e) (NPA) 900 NXX codes
- f) N11 Service codes
- g) 855-XXXX line numbers
- h) 555-XXXX line numbers
- i) Carrier Identification Codes
- j) Vertical Service Codes
- k) ANI Information Integer (II) Digit Pairs
- l) Non Dialable Toll Points
- m) New numbering resources as may be defined

6. Add a new section 52.13(d) as follows:

52.13(d). Relationships with Other NANP Member Countries' Administrators and Authorities. The NANPA shall address policy directives from other NANP member countries' governmental and regulatory authorities and coordinate its activities with other NANP member countries' administrators, if any, to ensure efficient and effective management of NANP resources.

7. Add a new section 52.13(e) as follows:

52.13(e). Transition Plan. The NANPA shall implement a transition plan, subject to Commission approval, leading to its assumption of NANPA functions within 90 days of its selection.

8. Add a new section 52.13(f) as follows:

52.13(f). The NANP Administrator shall make available any and all intellectual property and associated hardware including, but not limited to, systems, software, interface specifications and supporting documentation, generated by or resulting from its performance as NANP Administrator and make such property available to whoever NANC directs free of charge. The entity or entities designated by the Commission to serve as NANP Administrator shall specify any property it proposes to exclude from the foregoing based on the existence of such property prior to its selection as NANP Administrator.

9. Add a new section 52.15(c) as follows:

52.15(c). Central Office (CO) Code Administration Functional Requirements. The NANPA shall manage the U.S. CO code numbering resource, including CO code request processing, NPA code relief and jeopardy planning and industry notification functions. Until such time as the Commission adopts further rules and regulations governing the allocation and administration of numbering resources, the NANPA shall perform its CO Code Administration functions in accordance with the published industry numbering resource administration guidelines set forth below as these may be modified or replaced from time to time.

1. Central Office Code (NXX) Assignment Guidelines (INC 95-0407-008) (dated September 1996)
2. NPA Code Relief Planning Guidelines (INC 94-1216-004, Rev. 1) (dated March 1996)
3. Recommended Notification Procedures to Industry for Changes in Access Network Architectures ICCF 92-0726-004, Revision 2.)
4. NPA Allocation Plan and Assignment Guidelines (INC 96-0308-011) (dated April 1996)
5. Industry Notification of NPA Relief Activity Guidelines (ICCF 92-1127-006 Revised ICCF 29, July 1993).

Subject to the approval of the Commission, the NANPA shall develop a transition plan to transfer CO code assignment from the current administrators to itself and shall submit this plan to the Commission within 90 days of being selected as the NANPA. The NANPA shall complete the transfer of CO code assignment functions from existing administrators to itself no more than 18 months after the NANPA has assumed all of said administrators' current NANPA function.

10. Add a new section 52.15(d) as follows:

52.15(d). The NANPA shall perform the NANPA functions at the price agreed to at the time of its selection. The NANPA may request from NANC, with approval by the Commission, an adjustment in this price should the actual number of CO Code assignments made per year, the number of NPAs requiring relief per year, or the number of NPA relief meetings per NPA requiring relief exceed 20 percent of NANPA's stated assumptions for the above tasks at the time of its selection.

11. Add a new section 52.16 as follows:

52.16. Billing and Collection Agent. The B&C Agent shall:

1. Calculate, assess, bill and collect payments for numbering administration functions and distribute funds to NANPA on a monthly basis;
2. Design a standard Reporting Worksheet to collect information for assessment calculations from carriers and distribute it to carriers and other NANP nations;
3. Keep confidential all data obtained from carriers and not disclose such data in company-specific form unless authorized by the Commission. The B&C Agent shall use such data only for calculating, collecting and verifying payments;
4. Develop procedures to monitor industry compliance with reporting requirements and propose specific procedures to address reporting failures and late payments;
5. File annual reports with the appropriate regulatory authorities of the NANP member countries as requested; and

6. Obtain an audit from an independent auditor after the first year of operations and every two years thereafter, which audit shall evaluate the validity of calculated payments. The B&C Agent shall submit the audit report to the Commission for appropriate review and action.

Attachment (3)

NANC DISPUTE RESOLUTION PROCESS

Recommendation of the Dispute Resolution Committee, adopted by the NANC at its 4/15/97 meeting:

"NANC recommends that the FCC and other regulators set up processes under which a NANC recommendation will be deemed to have the force of a decision of the regulator after the passage of a time period from the regulator giving public notice thereof, if the regulator does not affirmatively suspend, modify or reject the recommendation during that time period.

In the case of the FCC, the Chief, Common Carrier Bureau will have the opportunity, under authority delegated by the Commission to address number administration, to conduct an expedited review of the NANC recommendation, using the initial report, written submissions made to the NANC and the NANC's final recommendation as a written record. Other regulatory bodies could fashion comparable procedures should they wish to do so.

The FCC may wish to consider notice, time periods, interim conformance by the administrator with a recommendation pending regulatory review, and relationship of this approach to legal requirements (e.g., the Federal Advisory Committee Act, the Administrative Procedure Act, the Communications Act, etc.).

It is recommended that:

- a. the FCC use notice periods comparable to those employed for other regulatory purposes, but in no event less than ten business days; and
- b. the administrator not implement a NANC dispute resolution recommendation pending the passage of the regulatory review time period, unless the appropriate regulator affirmatively directs otherwise."

2. The NANC proposes that the FCC adopt the following rule language:

"The NANC shall adopt and utilize dispute resolution procedures. Such procedures shall provide disputants, regulators and the public notice of the matters at issue, a reasonable opportunity to make oral and written presentations, a reasoned recommended resolution, and a written report summarizing the recommendation and the reasons therefor."

RESOLUTION OF NUMBERING DISPUTES

1. Decisional Principles. A binder of decisional principles, referred to in the aggregate in these dispute resolution procedures as "NANC guidelines," will be assembled and maintained. This binder will be utilized by NANPA and other number administrators, as appropriate, to guide their activities, and will provide a touchstone for dispute resolution. The binder will consist initially of: (1) regulatory guidance and orders specifically relating to numbering (e.g., orders and directives of the FCC, state regulators and non-United States governmental bodies), and (2) numbering-related guidelines and any related explanatory material that have been formally adopted in numbering-related activities of standards bodies (e.g., Committee T1, TIA committees) or the equivalent of such bodies (international organizations such as the ITU, Inmarsat or Intelsat), or that have achieved consensus in numbering-related forums and industry committees (e.g., Network Interconnection and Interoperability Forum which formerly included the ICCF, Industry Numbering Committee, Canadian Numbering Committee, etc.). NANC committees and/or their subcommittees with substantive responsibility for number resources addressed in the NANC guidelines will, subject to overall review and direction of NANC: identify NANC guidelines to be placed in the binder initially; identify new NANC guidelines that should be added to the binder as they are adopted; and be responsible for any revisions or additions thereto that might be appropriate.
2. Administration. NANPA and other number administrators, as appropriate, are expected to attempt to resolve disputes informally using the binder of decisional principles. The administrator should apply its expertise to interpreting and applying existing decisional principles, but it should not make policy or create the equivalent of new guidelines. Ordinarily, it is expected that a dispute will arise because a party disagrees with an administrator's decision, action, or non-action, and it will ask the administrator to review the decision. Regardless of how this is characterized, the administrator should treat this as a request for review, seek to apply applicable NANC guidelines to the dispute and thereby resolve it, and do so within 14 days. Such review should not be considered part of the "dispute resolution" process, and not be part of the 6 month time limit established by the FCC. If there is still a disagreement after such review, the administrator will in writing: notify the disputing party that it may initiate dispute resolution if it wishes to do so; identify the type of dispute involved; based on that identification and these dispute resolution procedures, identify to the party what other body's dispute resolution procedures should be invoked or whether the party may directly utilize NANC's Unreferred Dispute dispute resolution procedures; and provide that the disputing party should invoke dispute resolution by filing a written request, with copies to the administrator and to the NANC Chair. NOTE: Since events under these procedures are time-sensitive, the use of receipted communications such as certified mail is strongly encouraged.

Types of Disputes/Non-Disputes. Six circumstances are differentiated:

- a) No NANC guideline: Number assignment is denied because, in the view of the administrator, no guideline exists. Dispute resolution is inapplicable to parties' proposals that guidelines be adopted when there are none. Parties seeking adoption of guidelines should bring their requests to appropriate standards bodies, forums or industry committees, or request discussion of the issue by the NANC.
- b) Clear NANC guideline: Number assignment is denied because, in the view of the administrator, a guideline clearly warrants such denial.
- c) Ambiguous NANC guideline: Number assignment is granted or denied as a consequence of an ambiguous NANC guideline.
- d) Dispute relating to action or inaction of a standards body, forum or industry body:
(1) a standards body, forum or industry committee has considered a number assignment guideline or related issue without reaching consensus, and its internal decisional review procedures have not resulted in consensus; (2) the disputing party can demonstrate that resort to the standards body, forum or industry committee would be meaningless because consensus is unlikely; or (3) the disputing party disagrees with the result reached by the standards body, forum or industry body.
- e) Aggrieved third party: Number assignment is granted another party, and a party with a substantial and direct interest is aggrieved by this.
- f) Policy guidance is needed: Policy guidance is needed by a standards body, forum, industry committee or administrator, and is sought directly from NANC.

3. Treatment of Different Disputes:

- a) Reference of NANC Guideline-Related Disputes. If, in the view of the administrator, a guideline of a standards body, forum or industry committee is applicable, the administrator will inform the disputing party of its right to bring a written request for action to the appropriate standards body, forum or industry committee. Since international organizations do not have dispute resolution procedures as such (and generally do not operate with sufficient expedition), referrals will not be made to international bodies. It is expected that disputes involving interpretation of an ambiguous guideline (#3c), claims that an assignment should not have been denied under a guideline when the administrator has concluded that the guideline clearly warrants denial (#3b), and claims that a guideline is applicable when the administrator has concluded that no guideline applies (#3a) will be referred to the body responsible for the guideline. The body will have 10 days from its receipt of the disputing party's written request for action in which to accept resolution of the guideline-related dispute subject to the NANC time limitations, output expectations and limited

procedural requirements detailed in these dispute resolution procedures, or to reject the referral, and shall respond in writing, with copies of that response to the administrator and to the NANC Chair. Failure to respond shall be considered rejection, unless the body seeks additional time to respond and the disputing party agrees.

- b) Unreferred Disputes. A dispute that is not so referred, or that is rejected by the body to which it is referred, will be addressed by NANC's Unreferred Disputes dispute resolution procedures. It is expected that disputes by aggrieved third parties (#3e), and guideline-related disputes rejected by other bodies will be addressed under these procedures. It is expected that numbering-related disputes relating to action or inaction of a standards body, forum or industry committee (#3d) will be addressed under these procedures if the fact-finding panel or NANC decides not to refer the dispute back to the standards body, forum or industry committee for its further action, within a specified time period.
 - c) Policy Guidance. A request for policy guidance (#3f) will be transmitted to the NANC Chair in writing by the party requesting NANC consideration of this. The NANC Chair will determine whether this request should be addressed initially as an Unreferred Dispute or sent directly to the NANC for consideration under the NANC Review procedures.
4. Procedures for Producing an Initial Report. An expert industry body (if there is referral of a NANC guidelines-related dispute) or an expert NANC fact-finding panel will sift through the arguments, technical and policy considerations, guidelines/standards and claims involved in a given dispute, winnow these considerations down, and produce an independent written initial report. If the parties to the dispute can agree to a concise statement of the facts, the expert industry body can expedite its processes in the case of a referral, or the expert NANC fact-finding panel can be dispensed with. If there is to be an initial report, procedures for producing the initial report fall into three categories: (1) procedures that are to govern all disputes (*i.e.*, both referred NANC guidelines-related disputes and Unreferred Disputes), (2) procedures that govern only referred NANC guidelines-related disputes, and (3) procedures that govern only Unreferred Disputes.
- a) All disputes. A written initial report that summarizes the matters and concerns at issue and that tentatively resolves the dispute shall be delivered to the NANC Chair no later than four months after dispute resolution is initiated. Alternatively, the parties' agreed concise statement of the facts accompanied by their individual proposals for resolution of the dispute shall be delivered to the NANC Chair no later than four months after dispute resolution is initiated. Minimum due process will be available (*i.e.*, notice of matters at issue, opportunity to present positions, unbiased fact-finder(s) or a decisional process such as tri-partite fact-finding that minimizes bias). The nature and existence of each dispute will be publicized, which will enable non-disputing parties to seek to participate, and will enable regulators to intervene in

resolution of a given dispute should they wish to do so. Material presented and the written initial report or agreed concise statement of the facts are to be available to the NANC, and to the public on request.

- b) Referred NANC guidelines-related disputes. The standards body, forum or industry committee to which a dispute is referred will address the dispute under its dispute resolution procedures, or, as appropriate, procedures tailored to addressing the specific dispute before it. The standards body, forum or industry committee will publicize to its membership the nature and existence of the dispute, and will determine whether, and to what extent, non-disputing parties are to participate in this phase of the dispute resolution process. (It is assumed that these bodies are open to broad participation, and that the required publicity will cause interested non-disputants to come forward if they believe that they can or should participate.)
- c) Unreferred Disputes.
 - i) A three member fact-finding panel will be convened from the membership of NANC to prepare a written initial report and recommendation for consideration by NANC.
 - ii) Upon receiving a written request from a party seeking dispute resolution (the "initiating party"), or upon rejection of a referred dispute, the NANC Chair will publicize the nature and existence of the dispute (by WWW page, press release, or comparable means) and notify the initiating party that it will have seven days to select one member of the three member fact-finding panel. After it has done so, the NANC Chair will, within seven days, select two members of that panel. The Chair will seek to maintain balance in the composition of the panel, but in recognition that balance will exist in the full NANC when the panel's report and recommendation are considered, the Chair may sacrifice balance if, in the judgment of the Chair, it is necessary to secure a panel with expertise to consider the dispute.
 - iii) It is intended that publicizing of the nature and existence of the dispute by the NANC Chair will cause interested non-disputants to seek to participate if they believe that they can or should participate. The fact-finders will determine whether and to what extent non-disputing parties are to participate in this phase of the dispute resolution process.

- iv) It is intended that the fact-finding process be informal, conducted as an engineering fact-finding exercise and not an administrative proceeding, under procedural rules fashioned by the fact-finders in each case to be flexible and conducive to obtaining needed information, with time schedules that are consistent with the overall requirement that an initial report be produced within four months of initiation of dispute resolution. However, to prevent “stonewalling” by a party from frustrating dispute resolution, the fact-finders are permitted to draw adverse inferences from the failure of a party to come forward with relevant information that is uniquely within its possession.
- v) Each participant and panel member bear will his/her own expenses.
- vi) If there is an international issue, the fact-finding panel should seek the views of NANC members for the country(ies) involved.

5. NANC Review.

- a) Upon receiving the initial report or agreed concise statement of facts, the NANC Chair will distribute this material to the NANC members, and will immediately schedule review at the next periodic NANC meeting, or a special meeting convened for the purpose, to be held at least 4 weeks thereafter, to provide parties (both participants in the initial decision process and non-participants): (1) two weeks in which to make written submissions on the initial report or agreed statement of facts, and the matters addressed therein; (2) one additional week in which to make written responses; and (3) one week for NANC members to assimilate such written material before their meeting.
- b) At the NANC meeting, each party that participated in the initial decision process will have the right to make an oral presentation to the NANC. Unless the NANC decides otherwise, each presentation shall be limited to 15 minutes. Other parties that made written submissions or responses to the NANC may request to make oral presentations, but the NANC should seek to limit duplicative presentations. While the NANC is ultimately the arbiter of what recommendations should go forward to regulators, when reviewing the Initial Report, the NANC should consider, among other matters: (1) whether there are concerns of the general public, other affected entities, or industry segments that are not adequately addressed or accommodated in the initial decision; (2) whether the initial report was arrived at unfairly; (3) whether there is an existing NANC guideline; (4) whether the policies or guidelines involved in the dispute have been reviewed and changed during the pendency of the dispute. .

- c) After the meeting, the NANC Chair will transmit to appropriate regulators the NANC's recommendation. If the NANC has decided to accept an initial report, the NANC Chair will immediately transmit a copy of the initial report and all written submissions that were distributed to the NANC, with an indication that the initial report is now a NANC recommendation. If the NANC has decided to modify an initial report, the NANC Chair will edit the initial report to reflect such modification, and transmit it within 7 days of the meeting along with a copy of all written submissions that were distributed to the NANC. If an initial report has been dispensed with because there was no substantial question of fact, the NANC Chair will prepare a summary of the NANC's decision, and transmit it within 7 days of the meeting along with a copy of all written submissions that were distributed to the NANC. The NANC Chair will transmit to each of the participants the NANC decision when it is transmitted to regulators.

[NOTE: The foregoing is the 2/7/97 version, modified in accordance with discussion at the 4/15/97 NANC meeting.]

Attachment (4)

Responses to NANPA Working Group Questions Regarding Respondents' Assumptions for CO Code Assignments and NPA Relief:

- a. Bellcore letter of May 15, 1997
- b. Center for Communications Management Information(CCMI)
fax of May 15, 1997
- c. Lockheed Martin IMS letter of May 15, 1997
- d. Mitretek letter of May 15, 1997

Bellcore

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May 15, 1997

John Manning
NANPA Evaluation Team Chair

(by facsimile)

Dear John,

Our responses to your questions are as follows:

What were your assumptions about the number of central office code requests?

We assumed that the number of central office code requests would average 10,000 per year, the number quoted in the requirements document. We validated this number against the 1996 COCUS, which projects NXX demand over the next 5 years, and found it reasonable. Interestingly enough, the 1997 COCUS shows that this assumption is still reasonable.

What were your assumptions about the number of NPA relief activities?

We assumed that there would be an average of 15 NPA relief activities per year. More specific projections from the 1997 COCUS are 1998-16, 1999-21, 2000-11, 2001-14, and 2002-10.

What were your assumptions about the number of meetings that will be held for each NPA relief activity.

We assumed that there would be an average of 5 meetings per NPA relief activity, but we committed to attend all meetings even if the number exceeds the average. As everyone knows, the number of meetings varies considerably depending on the contentiousness of the relief plan. Nonetheless, most of the U.S. continues to implement NPA splits without significant problems.

If you would like to discuss this further, please call me or Jim Deak.

Sincerely,



CCMI Responses to May 14, 1997 Questions

1. We used the information provided in the Requirements Documents concerning CO Code requests currently being processed and assumed a 5% compound growth each year. That resulted in the following:

Year 1	9800 CO Code Requests
Year 2	10,300 CO Code Requests
Year 3	10,800 CO Code Requests
Year 4	11,300 CO Code Requests
Year 5	12,000 CO Code Requests

2. For NPA relief, we again used the Requirements Document as a base. The total number of planned and future NPA reliefs is 123, to which we added an additional 7 for contingency. All NPA reliefs in progress (67) were allocated in years 1997 and 1998. The remainder (63) were equally distributed over the balance of the 5 year term.

3. We recognize that each NPA relief is unique and therefore the level of work required for each will differ; however, for planning purposes we assumed an average of four meetings for each NPA relief.

Lockheed Martin IMS
1200 K Street, N.W. Washington, D.C. 20005
Telephone 202-414-3500 Facsimile 202-408-5922



May 15, 1997

NANPA Working Group
c/o John Manning Co-Chair
Fax: 202-393-5453
202-418-2345

Dear Mr. Manning:

Below are Lockheed Martin IMS' answers to the NANPA Working Group's questions left on the voice mail of Greg Roberts on May 14, 1997 at 7:50 p.m:

Question #1: What were your assumptions regarding the number of Central Office code requests per year over the five-year period?

We assumed an average of 10,000 CO code requests per year over the five year period.

Question #2: What were your assumptions regarding the projected number of NPAs requiring relief in each year over the five-year period?

We assumed between 30 to 40 NPAs requiring relief in each year over the five-year period?

Question #3: What were your assumptions regarding the number of meetings required for each NPA relief for planning and implementation?

We assumed that each NPA relief activity required an average of twelve (12) meetings.

We thank you for your continued consideration of our proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory J.A. Roberts".

Gregory J.A. Roberts
Director
Communications Industry Services



Dr. H. Gilbert Miller
Vice President
Center for Telecommunications and Advanced Technology
703.610.2900 (voice) 703.610.2303 (fax)
hgmler@mitretek.org

15 May 1997

Mr. Alan Hasselwander
Chair, North American Numbering Council
c/o
Office of the Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Dear Mr. Hasselwander:

Thank you for the opportunity to answer questions at yesterday's North American Numbering Council meeting. I have enclosed answers to the questions given to us last evening by Mr. John Manning.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

*Innovative Technology
in the Public Interest*

A handwritten signature in black ink, appearing to read "H. Gilbert Miller", written in a cursive style.

H. Gilbert Miller

HGM/dm

Enclosure

Response to NANC Questions

MITRETEK QUESTIONS

Question 1

What were your assumptions regarding the number of CO code requests per year over the five year period?

Answer:

The Mitretek estimate of the number of CO Code Administration requests is based on the data presented in Attachment 2 of the NANC Requirements Documents. In our price quotation, we have used the following number of CO Code Administration requests:

Year	Number of CO Code Administration Requests
1	3265
2	8799
3	9336
4	9336
5	9336

Our calculated number of CO Code Administration requests is based on the following assumptions:

1. FCC selection data of 1 July 1997
2. Official start of Year 1 at 1 October 1997
3. The order of Mitretek Code Administration Center (MCAC) implemented per page 212 of our proposal
4. The number of annual code requests, by MCAC, per page 212 of our proposal